

IN THE U.S. PATENT AND TRADEMARK OFFICE

January 17, 2008

2008 JAN 23 PM 4:28

Applicant(s): Manfred MALLE

For: PEDAL SYSTEM

Serial No.: 10/509 900

Group: 3682

Confirmation No.: 2982

Filed: August 17, 2005

Examiner: Luong

International Application No.: PCT/EP03/03367

International Filing Date: April 1, 2003

Atty. Docket No.: 5696.P0002US

Mail Stop 16

Director of the U.S. Patent and Trademark Office

P.O. Box 1450

Alexandria, VA 22313-1450

**REQUEST FOR REFUND**

Sir:

As shown on the attached Deposit Account Statement, a one month extension fee was charged to Deposit Account No. 061382. This charge is believed to be in error. A Response was filed on December 26, 2007, which was in compliance with the three month deadline for responding to an Office Action without having to pay an extension fee based on the USPTO being closed for the Christmas Holiday on December 24, 2007 and December 25, 2007. Also enclosed is a copy of our Amendment Transmittal with Certificate of Mailing dated December 26, 2007 together with a copy of the notice of closing the USPTO.

A credit to our Deposit Account (No. 06-1382) in the amount of \$60.00 is in order and such is respectfully requested.

Granting of this request is respectfully solicited.

Respectfully submitted,

IN DUPLICATE

DGB/DJW/jas

  
David G. Boutelle

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& TANIS, P.C.	David G. Boutell	Reg. No. 25 072
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	Donald J. Wallace	Reg. No. 43 977
	Sidney B. Williams, Jr.	Reg. No. 24 949
	Heon Jekal	Reg. No. L0379*
	*limited recognition number	

Encl: Copy of January 2008 Deposit Account Statement  
Copy of Amendment Transmittal with Certificate of  
Mailing dated December 26, 2007  
Copy of Notice of Closing USPTO  
Postal Card

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop 16, Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on January 17, 2008.

  
David G. Boutell



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Patent and  
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**Deposit Account Statement**

Requested Statement Month: January 2008  
 Deposit Account Number: 061382  
 Name: FLYNN THIEL BOUTELL & TANIS, P.C.  
 Attention:  
 Street Address 1: 2026 RAMBLING ROAD  
 Street Address 2:  
 City: KALAMAZOO  
 State: MI  
 Zip: 49008-1699  
 Country: UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
01/02	5476	11978284	5725.P0041US	8021	\$40.00	\$27,317.20
01/03	10377	6009897	6 009 897 - 4514.P0016US	2552	\$1,180.00	\$26,137.20
01/03	10380	6009897	6 009 897 - 4514.P0016US	2555	\$65.00	\$26,072.20
01/03	10431	6084603	6 084 603 - 4372.P023BUS	1552	\$2,360.00	\$23,712.20
01/04	8710	78673542	4068.T0009US	7004	\$600.00	\$23,112.20
01/08	1933	29293254	3138.P0500US	8021	\$40.00	\$23,072.20
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01/08	14114	11632153	4100.P0426US	8021	\$40.00	\$23,182.20
01/09	9320	6762410	6 762 410 - 4200.P0083US	2551	\$465.00	\$22,717.20
01/09	9436	6764119	6 764 119 - 3200.P012AUS	1551	\$930.00	\$21,787.20
01/09	9464	6767985	6 767 985 - 2386.P007AUS	2551	\$465.00	\$21,322.20
01/09	9502	6830502	6 830 502 - 5100.P0089US	1551	\$930.00	\$20,392.20
01/09	12893	11664831	3400.P1444US	8021	\$40.00	\$20,352.20
01/09	12950	10589527	3400.P1435US	8021	\$40.00	\$20,312.20
01/09	13023	11975513	4412.P0709US	8021	\$40.00	\$20,272.20
01/09	13146	77164113	4744.T0006US	7002	\$100.00	\$20,172.20
01/10	2775	11986491	3700.P0451US	8021	\$40.00	\$20,132.20
01/11	828	77368632	2386.T0007US	7001	\$325.00	\$19,807.20
01/11	1598	2577155	5472.T0001US	7205	\$200.00	\$19,607.20
01/11	1599	2577155	5472.T0001US	7208	\$400.00	\$19,207.20
01/11	8082	11659785	4100.P0427US	8021	\$40.00	\$19,167.20
01/11	12169	11632567	3700.P0428US	8021	\$40.00	\$19,127.20
01/11	12247	11919377	2000.P0374US	8021	\$40.00	\$19,087.20
01/11	12401	11449555	2000.P0359US	8021	\$40.00	\$19,047.20
01/14	13698	11663230	4384.P0027US	8021	\$40.00	\$19,007.20
01/14	13764	11975538	4412.P0710US	8021	\$40.00	\$18,967.20
01/14	13804	11975991	4300.P0215US	8021	\$40.00	\$18,927.20
01/14	13839	77370930	5000.T0029US	7001	\$650.00	\$18,277.20
01/15	1329	2474916	3414.T0002US	7205	\$100.00	\$18,177.20
01/15	1330	2474916	3414.T0002US	7208	\$200.00	\$17,977.20
01/15	1331	2474916	3414.T0002US	7206	\$100.00	\$17,877.20
01/15	1703	11450915	2000.P0382US	8021	\$40.00	\$17,837.20

# Deposit Account Statement

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01/16 1910	78447657	3011.T0220US	7004	\$300.00	\$17,537.20
01/16 1	10509900	5696.P0002US	2251	\$60.00	\$17,477.20

START	SUM OF
BALANCE	CHARGES
\$27,357.20	\$10,030.00

SUM OF	END
REPLENISH	BALANCE
\$150.00	\$17,477.20

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RESPONSE UNDER 37 CFR 1.116 EXPEDITED PROCEDURE  
IN THE U.S. PATENT AND TRADEMARK OFFICE

December 26, 2007

Applicant(s): Manfred MALLE  
Title: PEDAL SYSTEM

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Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**MAILED TO PATENT OFFICE**  
**DATE DEC 26 2007**

Sir:

Herewith is an amendment in the above-identified application.

[X] Applicant claims small entity status. See 37 CFR 1.27.

[ ] The additional filing fee has been calculated as shown below:

For	No. Filed	No. Extra	( ) LG Entity	RATE	(X) SM Entity	Fee
Total Claims	(14 - 20 = 0)		x	\$ 50.00	x	\$ 25.00
Indep. Claims	(3 - 3 = 0)		x	\$210.00	x	\$105.00
[ ] Multiple Dep. Claim			+	\$370.00	+	\$185.00
* * * TOTAL FILING FEE * * *						\$ 0.00

[ ] Pursuant to 37 CFR 1.136(a), please extend the shortened period for response by month(s). The extension fee is: \$.

[ ] A Check for \$ is enclosed to cover fees.

[X] Please credit any overpayment, or charge any additional filing fee required under 37 CFR 1.16 or 1.17 by this communication, to Deposit Account No. 06-1382. A duplicate copy of this sheet is enclosed.

IN DUPLICATE

DGB/DJW/jas

David G. Boutell Reg. No. 725 072

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 26, 2007.

130.09/07

David G. Boutell



**Trademarks > Closing of the United States Patent and Trademark Office on Monday, December 24, 2007.**

### **Closing of the United States Patent and Trademark Office on Monday, December 24, 2007.**

The United States Patent and Trademark Office (USPTO) will be closed on Monday, December 24, 2007. Since Tuesday, December 25, 2007 is a Federal holiday, the USPTO will consider each of Monday, December 24, 2007 and Tuesday, December 25, 2007, to be a "Federal holiday within the District of Columbia" under 35 U.S.C. § 21(b) and 37 C.F.R. §§ 1.6, 1.7, 1.9, 2.2(d), 2.195 and 2.196. Any action or fee due on those days (or the preceding Saturday (December 22, 2007) or Sunday (December 23, 2007)) will be considered as timely for the purposes of, e.g., 15 U.S.C. §§ 1051(b), 1058, 1059, 1062(b), 1063, 1064, 1126(d), or 35 U.S.C. §§ 119, 120, 133 and 151, if the action is taken, or the fee paid, on the next succeeding business day on which the USPTO is open, that is, Wednesday, December 26, 2007. 37 C.F.R. §§ 1.7(a) and 2.196.

37 C.F.R. §§ 1.6(a)(2), 2.195(a)(4) and 2.198 provide that correspondence deposited in the Express Mail Service of the United States Postal Service (USPS) in accordance with 37 C.F.R. §§ 1.10 or 2.198 will be considered filed on the date of deposit (as shown by the "date-in" on the Express Mail mailing label) with the USPS. Thus, any paper or fee properly deposited in the Express Mail Service of the USPS on Monday, December 24, 2007 or Tuesday, December 25, 2007, in accordance with 37 C.F.R. §§ 1.10 or 2.198 will be considered filed on its respective date of deposit in the Express Mail Service of the USPS (as shown by a "date-in" of December 24, 2007 or December 25, 2007, on the Express Mail mailing label, respectively).

37 C.F.R. § 1.6(a)(4) and 37 C.F.R. § 2.195(a)(2) provide that patent and trademark-related correspondence transmitted electronically to the USPTO will be considered filed in the USPTO on the date the USPTO received the electronic transmission. Thus, any patent and/or trademark-related correspondence transmitted electronically to the USPTO on Monday, December 24, 2007 or Tuesday, December 25, 2007 will be considered filed in the USPTO on the date the USPTO received the complete electronic transmission. Correspondence successfully received by the USPTO through the patent Electronic Filing System (EFS-Web) will receive the date as indicated on the Acknowledgement Receipt.

JON W. DUDAS

Under Secretary of Commerce for Intellectual Property and  
Director of the United States Patent and Trademark Office

**>> Scan of the signed notice [\[PDF\]](#)**

**KEY:** =online business system =fees =forms =help =laws/regulations =definition (glossary)

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